

resolution (No. 44), just reported from the committee. Unanimously adopted.

Senator Lightfoot moved that the constitutional rule be suspended, and the joint resolution be put upon its second reading. Adopted by the following vote:

YEAS—22.

Buchanan of Wood,	Houston,	Powers,
Burges,	Lair,	Ross,
Cooper,	Lightfoot,	Shannon,
Davenport,	Martin of Cooke,	Stubbs,
Gooch,	Martin of Navarro,	Terrell,
Harris,	Moore,	Weatherred,
Hightower,	Patton,	Wynne.
Homan,		

NAYS—none

NOT VOTING—4.

Buchanan of Grimes	Rainey,	Swain.
Burton,		

Joint resolution read second time.

Senator Houston offered the following amendment:

The near approach of the adjournment of the Legislature creates, in the opinion of the Legislature, an emergency sufficiently imperative in its character to justify the suspension of the constitutional rule, requiring this act to be read on three several days, and it is so suspended.

Adopted and resolution ordered engrossed.

Senator Lightfoot moved to suspend the rules and put the joint resolution on its third reading. Carried by the following vote:

YEAS—22.

Buchanan of Wood,	Houston.	Rainey,
Burges,	Lair,	Ross,
Burton,	Lightfoot,	Stubbs,
Cooper,	Martin, of Navarro,	Swain,
Gooch,	Moore,	Terrell,
Harris,	Patton,	Weatherred,
Hightower,	Powers,	Wynne.
Homan,		

NAYS—none.

NOT VOTING—4.

Buchanan of Grimes	Martin of Cooke.	Shannon.
Davenport,		

Joint resolution read third time and passed.

Senator Stubbs, for the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 23, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have examined and find correctly engrossed the following Senate bills: Senate bill No. 248, "An act to amend the charter of the city of Dallas;" No. 281, "An act to authorize the issuance of a certificate to the heirs of Anson Jones, deceased, of a certificate for 13 labors of land;" No. 282, "An act to amend article 168 of the Revised Civil Statutes of the State of Texas;" No. 205, "An act to ascertain the amount due for school house lands, and for building and rent of school houses thereon, prior to July 23, 1873, also the amount due school superintendents for services in the public free schools of the State from September 1, 1873, to the thirty-first day of August, 1876, and to provide for payment of same;" No. 285, "An act to amend article 3466, title 69, chapter 1, of the Revised Civil Statutes of the State of Texas, passed by the Sixteenth Legislature;" No. 183, "An act to provide for the making of post mortem examination of the bodies of dead persons in this State, by competent physician, when required, etc.;" No. 182, "An act to amend article 669, chapter 2, title 17, of Penal Code;" No. 176, "An act to authorize the counties of this State to take up their outstanding warrants, or evidences of debt, etc.;" No. 284, "An act to amend sections 1 and 2, chapter 35, of an act passed at the special session of the Sixteenth Legislature;" No. 177, "An act to repeal articles 4462, 4464 and 4466, of the Revised Civil Statutes."

STUBBS, for Committee.

Senate bill No. 193, entitled "An act to amend articles 554 and 561, of the Revised Civil Statutes, making them applicable to personal as well as real estate," was taken up with adverse report of committee.

On motion of Senator Stubbs, the report was adopted and the bill lost.

On motion of Senator Homan, the Senate adjourned until 3:30 P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

The President in the chair.

Roll called; quorum present.

A message was received from the House announcing that it insists on its amendments to substitute for Senate bill No. 102, and that the Speaker has appointed Messrs. King, Daniels, Frymier, Smith of Titus, and Scott on free conference committee on the part of the House to consider disagreements on said bill.

Senator Terrell moved that a conference committee on the part of the Senate be appointed to confer with said House committee on said disagreement.

The President appointed Senators Terrell, Davenport, Martin of Navarro, Ross and Burges on said committee.

On motion of Senator Davenport, Senator Buchanan of Grimes was excused for three days.

Senator Stubbs presented a petition of the Galveston Oil Company, and of the Howard Oil Company, of Dallas and Houston, praying that no legislation be enacted restricting the just rights of railroads in transportation and in management of their lines. Referred to Committee on Internal Improvements.

Senator Stubbs, for Committee on Engrossed Bills, by leave, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 23, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have compared and report the following Senate bills correctly engrossed:

No. 293, "An act for holding a special term of the district court in the county of Freestone," etc.

No. 290, "An act to provide for the protection of the title of the State to the university lands in McLennan and Hill counties."

No. 179, "An act to amend articles 1090 and 1098 of the Code of Criminal Procedure."

STUBBS, for Committee.

On motion of Senator Terrell, the Senate adjourned till 9:30 A. M. to-morrow.

SIXTY-SECOND DAY.

SENATE CHAMBER,
AUSTIN, March 24, 1881. }

Senate met pursuant to adjournment.

The President in the chair.

Roll called; quorum present.

Prayer by Rev. Mr. Brown, Chaplain of the House.

On motion of Senator Rainey, the reading of the journal of yesterday was dispensed with and the same adopted.

Senator Wynne, chairman of Committee on Privileges and Elections, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, March 23, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Privileges and Elections, to whom was referred House bill No. 320, "An act to provide for the mode and manner of conducting proceedings in cases of contested elections, and creating tribunals for that purpose, and to repeal articles 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752 and 1758, chapter 6, title 34, of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' adopted the twenty-first of February, 1879," have had the same under consideration, and instruct me to report it back to the Senate, with the recommendation that it do not pass, for the following reasons, to-wit:

This bill provides for the creation of a special tribunal or tribunals for the trial of all cases of contested elections in this State. Such tribunals are unknown to our system of jurisprudence, would be but an experiment to be tested and most likely abandoned, as are most experiments in judicial proceedings—which can only be perfected by long experience and a patient trial; and your committee are of opinion that such experiments, if not dangerous, are unwise, for that they tend to destroy that confidence in and respect for our judicial tribunals so essential to the proper administration of the law.

We would submit if there is indeed a demand for such a law, that such necessity will be obviated by the joint resolution amending article 5, of the Constitution of the State of Texas, which has passed both houses of the present Legislature by the requisite two-thirds vote, and will be submitted to the people of the State for their adoption.

WYNNE, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 23, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Privileges and Elections, to whom was referred Senate bill No. 224, a bill entitled "An act to amend title 34, of the Revised Civil Statutes of the State of Texas, by adding articles 1665a and 1665b, and to amend articles 1689 and 1702 of the election laws of the State of Texas, and to provide for creating election precincts in unorganized counties," have had the same under consideration, and instruct me to report it back to the Senate with the following amendments:

Insert "unorganized" after the word "each," in line 16, article 1665a, and insert the word "unorganized" after the word "such," in line 24, article 1665a, and insert "of such" after the word "each," in line 31, article 1665b, and as amended to recommend that it do pass.

WYNNE, Chairman.

Bill read first time, with amendment.

Senator Stubbs, for the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 24, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have examined and find correctly engrossed the following Senate bills: No. 254, "An act to amend chapter 3, title 53 of the Revised Civil Statutes, relating to insurance, etc.," No. 202, "An act to provide for the investment of the sinking fund, etc.," No. 189, "An act to amend chapter 5, title 22 of the Revised Civil Statutes, relating to county seats, etc.," Senate joint resolution No. 44, "Joint resolution granting leave of absence to the Hon. W. L. Moore, County Judge of Lamar county."

STUBBS, for Committee.

Senator Lightfoot, for Committee on State Affairs, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 23, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on State Affairs, to whom was referred the Governor's message and accompanying documents, showing the presentation to the State, by Mr. Wm. Wharton Groce, of the portraits of Hon. Wm. H. Wharton and Hon. John A. Wharton, two distinguished veterans (both now deceased) whose lives were periled for our much loved State in the darkest hour of her conflicts, beg leave to report that in the opinion of your committee the State should accept, with many thanks, the portraits of her heroic sons, and assign to them positions of honor in the State capitol, and I am instructed to report the accompanying resolution, drafted by our Secretary, Col. John P. C. Whitehead, at our request, and recommend that it do pass.

LIGHTFOOT, for Committee.

WHEREAS, It is ever meet and proper that tribute should be paid to the great and good, to the end that grateful appreciation of their services may be perpetuated as an act of justice to the dead, and that they may shine as exemplars for the living; and,

WHEREAS, The Hon. William H. Wharton and Col. John A. Wharton have written, by deeds of heroism and patriotic devotion to duty, in the hour of their country's greatest need, among the most brilliant pages of Texas history; and,

WHEREAS, In all ages and every nation the chisel of the sculptor, the pen of the historian the brush of the painter and the inspiration of the poet have alike been invoked to preserve for posterity the remembrance of those who periled all for the sake of freedom and independence; and,

WHEREAS, conspicuously among the characters of history will be esteemed those patriots and statesmen; therefore, be it

Resolved, 1. That the Senate of Texas accepts, with the pro-

foundest gratitude, from Mr. Wm. Wharton Groce, the portraits of his distinguished kinsmen, and urgently requests that they be placed in some position of honor in the capitol, that those who are to come after us may catch the inspiration which springs from a contemplation of the lives and characters of the patriotic, the great and the good.

Resolved, 2. That this preamble and these resolutions be published in the journals, and that a copy, properly enrolled and signed by the President of the Senate and certified to by the Secretary, be forwarded to the donor, Mr. William Wharton Groce.

Resolution read and, on motion of Senator Lightfoot, adopted.

Senator Gooch, chairman of Free Conference Committee, on the part of the Senate, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 24, 1881.

Hon. L. J. Storey, President of the Senate:

Your committee of free conference have had under consideration the difference between the two houses on House bill No. 91, entitled "An act to authorize the refunding of money paid into the General Land Office, under the provisions of 'an act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad reserve, approved November 28, 1857, in all cases wherein the State failed to patent the lands for which such moneys were paid, and to make an appropriation therefor,'" and after careful consideration, have agreed to recommend and do recommend the following amendments to the bill as passed by the House, viz.:

On page 2, line 2, insert after the word "lands" the following: "On account of same being covered by previous grant."

Second amendment—On page 2, line 28, strike out "eight" and insert "four."

Third amendment—On page 3, lines 1 and 2, strike out the words "two hundred and twenty-seven," and insert "one hundred and fifty-four."

Fourth amendment—In section 4, page 3, strike out all after the word "want," in line 10, and add the following: "An emergency exists requiring that this act shall take effect and be in force from and after its passage, and it is so enacted."

Fifth—Amend the caption of the bill by inserting after the word "lands," in line 13, on page 1, the following: "On account of same being covered by previous grant."

JNO. Y. GOOCH, Chairman,
S. B. COOPER,
H. W. LIGHTFOOT,
Senate Committee,
DENMAN, Chairman,
GRANBURY,
E. C. MOBLEY,
BRUCE,
McCOMB,
House Committee.

On motion of Senator Gooch, Senator Duncan was further excused until Monday next on account of important business.

A message was received from the House announcing the passage of Senate bill No. 267, "An act to authorize the Governor to appoint a district attorney for the the Fifteenth Judicial District," and substitutes for Senate bills Nos. 30 and 70, "An act to establish the Twelfth, Seventeenth, Twentieth and Thirty-third Judicial Districts, and to prescribe times of holding courts in said districts, and in the Thirtieth District; to provide for the appointment of a district attorney in the Twentieth, and a district judge in the Thirty-third Judicial District; and to provide for holding terms of the district court in certain counties now unorganized," with amendment.

Senator Stubbs introduced a bill entitled, "An act to authorize cities and towns to vacate invalid or defective assessments heretofore made for the improvement of streets, sidewalks, alleys or grounds, or for any other public work within their limits, and to make reassessment for such improvements, and to collect such reassessments." Referred to Judiciary Committee No. 1.

Senator Burges offered the following resolution:

WHEREAS, There is a great and growing necessity for legislation regulating the fares, freights and keeping of railroads in order; and,

Whereas, The people demand and are expecting legislation to this end; and,

Whereas, The near approach to the end of this session renders it certain that no legislation can be had to meet this necessity and this demand; and,

Whereas, Hasty and ill considered legislation may injure the railroads, check their building, and thus injure the great interests of the State with no benefit to the people in return; now, therefore, to the end that well-considered legislation may be had, just alike to the railroads and the people, and to the further end that we may reap the benefit of the experience gained by other States who have legislated on this subject,

Be it resolved by the Senate and House of Representatives of the State of Texas, That a joint committee, to consist of three of the Senate, to be appointed by the Lieutenant-Governor, and four members of the House, to be appointed by the Speaker thereof, be created a joint committee of the two houses; that said committee shall hold a session at the capital after the adjournment of the present session of the Legislature, at such a time as a majority of said committee shall designate, and shall consider, prepare and report a bill, or bills, to the called session of the Legislature, should there be one, and should there be no called session, then they shall report their work to the Governor of this State; that the bill or bills prepared by said committee shall have for their objects to compel the railroad companies of this State to keep their roads and rolling stock in good order, so as to render travel thereon safe and sufficient to transport freights and passengers at just and reasonable rates; to prevent said companies from pooling and unjust discrimination and extortion, and generally to regulate the management and working of the railroads of this State, under proper penalties, in a manner just alike to the people and to the railroad companies, as provided for in the Constitution of the State; and the words herein used shall not be construed to prevent said committee from considering or acting upon any matter germane to the objects of this joint resolution.

Be it further resolved, That the Governor of this State is hereby requested to procure and furnish said committee with the laws of other States upon said subjects, and such other books or documents as in his and their opinions will enable said committee to better and more advisedly carry on their labors.

Be it further resolved, That the members of said committee shall receive the regular per diem of the Legislature during their session, and the usual mileage once to and from their respective homes; and that the sum of one thousand dollars, or so much thereof as shall be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to carry out the objects of this resolution.

The near approach of the end of the session, and the great need of such legislation, creates an imperative public necessity and emergency for the immediate passage of this act; and the suspension of the constitutional rule requiring bills to be read on three several days, said rule is therefore suspended; and this act shall take effect and be in force from and after its passage.

Referred to Committee on Internal Improvements.

The Senate went into executive session.

IN SENATE.

On motion of Senator Stubbs, the Secretary was required to inform the Governor of the action of the Senate in executive session, on the appointment of notaries public contained in his message of yesterday.

On motion of Senator Davenport, the Engrossing Clerk, A. M. Belvin, was excused after Saturday next, on important business.

On motion of Senator Gooch, the report of free conference committee on House bill No. 91 was adopted.

The President, after reading its caption, signed House bill No. 482, "An act to amend articles 4602 and 4604, chapter 1, title 95, of the Revised Statutes, adopted February 28, 1879," and House bill No. 39, "An act to amend article 506, title 17, chapter 11, and to create article 340a, chapter 1, of said title of the Revised Civil Statutes of the State of Texas, relating to towns and cities."

The President referred the following bills to appropriate committees:

House bill No. 495, "An act to authorize and require the issue of patents to lands situated between the Rio Grande and Nueces rivers, the titles to which have been confirmed under the act of February 11, 1860." Referred to Judiciary Committee No. 1.

And, House bill No. 607, "An act to diminish the civil jurisdiction of the County Court of Bosque and San Patricio counties, in this State, and conform the jurisdiction of the district courts of said counties to such change." Referred to Judiciary Committee No. 1.

Senator Homan entered a motion to reconsider the passage of House bill No. 427, "An act to provide designating and setting apart three hundred leagues of land out of the unappropriated public domain, for the benefit of the unorganized counties of the State," etc.

Senator Davenport moved to call up substitute for Senate bills Nos. 30 and 70, entitled, "An act to establish the Twelfth, Fourteenth, Seventeenth, Twentieth, Thirtieth and Thirty-third Judicial Districts, and prescribing the times of holding the courts therein; and to provide for the appointment of a district attorney in the Twentieth, and a district judge in the Twenty-third Judicial District, and to provide for holding terms of the district court in certain unorganized counties." Unanimously adopted and bill taken taken up.

On motion of Senator Davenport, the Senate concurred in House amendment to said bill.

Senator Davenport moved that the Senate take a recess until 12 o'clock M. Withdrawn by request.

Senate bill No. 17, entitled, "An act making the office of county surveyor an office of record," was taken up and, on motion of Senator Swain, the House amendments were concurred in.

Senator Stubbs moved to call up Senate bill No. 149, entitled, "An act to amend sections 87, 96, 97, 98, 127, 131 and 132, of 'an act to incorporate the city of Galveston, and to grant a new charter,' approved August 2, 1876," and that the Senate disagree to House amendments to said bill. Adopted.

Senate bill No. 183, entitled, "An act to provide for the making of post mortem examination of the bodies of dead persons in this State by competent physicians, when required by the officer holding an inquest, and to provide for the payment of a reasonable fee to the physician making the same," was taken up, read third time and passed.

Senator Patton, chairman of the Committee on State Affairs, by leave, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, March 24, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on State Affairs have examined Senate bill No. 291, entitled "An act to ascertain what, if any, unpaid balance of salary is due Hon. Gustave Cook, Judge of the Criminal District Court of Galveston and Harris counties, and making an appropriation therefor," and they direct me to return the same to the Senate, with the recommendation that it do pass.

PATTON, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 24, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on State Affairs have had under consideration Senate bill No. 278, entitled "An act to authorize Joseph Harding to sue the State of Texas," and they direct me to report that the testimony which has been offered in support of the claim of Joseph Harding against the State has not been of a character to establish in their judgment its justice. That the object of the bill is to authorize the enforcement of said claim in the courts of the country, and they direct me to return the same to the Senate with the recommendation that it do not pass.

PATTON, Chairman.

Bill read first time.

On motion of Senator Gooch, the Senate took a recess until 12 o'clock M. to enable the conference committees to work, their absence reducing the Senate below a quorum. Adopted.

At 12 M., recess having expired, Senate was called to

order; the President in the chair. Roll called; quorum present.

Senate bill No. 177, "An act to repeal articles 4462, 4464 and 4466, of the Revised Civil Statutes, relating to salaries of certain officers," was taken up, read third time and passed.

Senate bill No. 182, "An act to amend article 669, chapter 2, title 17, of the Penal Code of the State of Texas," was taken up and read third time.

Senator Houston offered the following amendment:

The fact that an emergency exists for an early adjournment of this Legislature, creates an imperative public necessity for suspension of the constitutional rule requiring this act to be read on three several days, and it is so suspended.

Adopted by the following vote:

YEAS—23.

Buchanan of Grimes,	Houston,	Ross,
Buchanan of Wood,	Lair,	Shannon,
Burges,	Lightfoot,	Stubbs,
Davenport,	Martin of Cooke,	Swain,
Gooch,	Martin of Navarro,	Terrell,
Harris,	Moore,	Weatherred,
Hightower,	Powers,	Wynne.
Homan,	Rainey,	

NAYS—none.

NOT VOTING—4.

Burton,	Henderson,	Patton.
Cooper,		

Bill passed.

Senate bill No. 194, "An act to prohibit and punish smoking, and the use of fire, except for necessary purposes, on cars, vessels, and in other places where cotton is loaded or stored," was taken up with substitute, and read second time.

Senator Gooch offered the following amendment to the substitute: Strike out in section 1, "all places," except those that refer to "vessels and cargoes."

Senator Homan offered the following substitute for Senator Gooch's amendment: Strike out the words "other places." Adopted, and then adopted as an amendment to the substitute.

Senator Gooch offered to amend by striking out "warehouses or parts thereof." Lost.

Senator Homan moved the previous question on the bill and pending substitute. Motion seconded and main question ordered.

The substitute was adopted, and the bill ordered engrossed by the following vote:

YEAS—18.

Burton,	Lightfoot,	Rainey,
Davenport,	Martin of Cooke,	Ross,
Henderson,	Martin of Navarro,	Shannon,
Hightower,	Moore,	Stubbs,
Homan,	Patton,	Terrell,
Lair,	Powers,	Wynne.

NAYS—8.

Buchanan of Grimes,	Cooper,	Swain,
Buchanan of Wood,	Gooch,	Weatherred.
Burges,	Houston,	

NOT VOTING.

Harris.

A message was received from the House announcing the passage of Senate bill No. 130, "An act to authorize district courts to transfer cases of administration of estates of deceased persons and guardianships of minors, persons of unsound mind and habitual drunkards pending before them to the county courts."

House bill No. 533, "An act for the relief of C. C. Gibbs."

House bill No. 589, "An act to relieve the inhabitants of Cameron county from the payment of the State tax for the year 1880."

The above named bills were taken up by the President and referred to the proper committees.

Senate bill No. 130 and House bill No. 589 to Judiciary Committee No. 1, and House bill No. 533 referred to the Committee on Private Land Claims.

On motion of Senator Powers, the Senate went into committee of the whole in the consideration of House bill No. 607, entitled, "An act to diminish the civil jurisdiction of the County Court of Bosque and San Patricio counties, in this State, and conform the jurisdiction of the District Court of said counties to such change."

(Senator Powers in the chair.)

Senator Houston moved that the committee do rise, and recommend the passage of the bill under consideration. Adopted.

(President in the chair.)

Bill read first time.

On motion of Senator Houston, the rules were suspended to put the bill on its second reading by the following vote:

YEAS—24.

Burges,	Homan,	Powers,
Burton,	Houston,	Rainey,
Cooper,	Lair,	Shannon,
Davenport,	Lightfoot,	Stubbs,
Gooch,	Martin of Cooke,	Swain,
Harris,	Martin of Navarro,	Terrell,
Henderson,	Moore,	Weatherred,
Hightower,	Patton,	Wynne.

NAYS—none.

NOT VOTING—3.

Buchanan of Grimes, Buchanan of Wood, Ross.

Bill read second time and passed to third reading.

Senator Houston moved to further suspend the rules and put the bill on its third reading. Adopted by the following vote:

YEAS—25.

Buchanan of Wood,	Homan,	Powers,
Burges,	Houston,	Rainey,
Burton,	Lair,	Shannon,
Cooper,	Lightfoot,	Stubbs,
Davenport,	Martin of Cooke,	Swain,
Gooch,	Martin of Navarro,	Terrell,
Harris,	Moore,	Weatherred,
Henderson,	Patton,	Wynne.
Hightower,		

NAYS—none.

NOT VOTING—2.

Buchanan of Grimes, Ross,

Bill read third time and passed by the following vote:

YEAS—25.

Buchanan of Wood,	Homan,	Powers,
Burges,	Houston,	Rainey,
Burton,	Lair,	Shannon,
Cooper,	Lightfoot,	Stubbs,
Davenport,	Martin of Cooke,	Swain,
Gooch,	Martin of Navarro,	Terrell,
Harris,	Moore,	Weatherred,
Henderson,	Patton,	Wynne.
Hightower,		

NAYS—none.

NOT VOTING—2.

Buchanan of Grimes, Ross.

Senator Terrell moved to take up the motion of Senator Homan to reconsider the vote passing House bill No. 427, setting apart 300 leagues of public lands for the use of unorganized counties for free school purposes, etc. Adopted, and the vote reconsidered.

Senator Terrell then moved to reconsider the vote adopting an amendment to the said bill offered by himself. Adopted, when he withdrew the amendment.

The bill was then passed by the following vote:

YEAS—25.

Buchanan of Wood,	Homan,	Powers,
Burges,	Houston,	Rainey,
Burton,	Lair,	Shannon,
Cooper,	Lightfoot,	Stubbs,
Davenport,	Martin of Cooke,	Swain,
Harris,	Martin of Navarro,	Terrell,
Henderson,	Moore,	Weatherred,
Hightower,	Patton,	Wynne.

NAYS—none.

NOT VOTING—2.

Gooch, Ross.

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 24, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 242, "An act to amend article 472 of title 95, chapter 3, of the Revised Civil Statutes of the State of Texas, approved February 21, 1879, and to provide for the payment of assessors and collectors of State and county taxes," have considered the bill, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do pass.

The bill provides for an increase of fees of assessors on all State taxes in excess of \$20,000, and county taxes in excess of \$10,000, and in view of the necessity for an efficient assessment, and the further fact that the rate of taxation has been reduced at this session, thereby reducing the compensation of assessors, the committee are of opinion that the increase in fees provided by this bill should be made.

TERRELL, Chairman.

Bill read first time.

Senator Henderson offered the following joint resolution:

Joint resolution granting W. E. Collard, Judge of the Ninth Judicial District, of the State of Texas, permission to absent himself from the State during the months of July and August, A. D. 1881.

Section 1. *Be it resolved by the Legislature of the State of Texas,* That the Hon. W. E. Collard, District Judge of the Ninth Judicial District of the State of Texas, be, and he is hereby excused, from the performance of the duties of said office, and is authorized to absent himself from the State of Texas during the months of July and August, A. D. 1881.

Section 2. The near approach of the close of the session of the Legislature creates an imperative public necessity that the rule requiring bills and resolutions to be read on three several days in each House prior to its passage, be suspended as to this resolution; and it is so enacted.

Read by caption and referred to Judiciary Committee No. 1.

Senator Harris offered the following resolution:

Resolved by the the Senate, the House of Representatives concurring, That the resolution providing for the election of directors for the Agricultural and Mechanical College, adopted at the present session of the Legislature, be so amended that said election shall take place on the twenty-ninth, instead of the twenty-fifth of March.

On motion of Senator Harris, the resolution was adopted.

Senator Shannon presented a memorial from the Stock-raisers' Association of Northwest Texas against the passage of the bill providing for the leasing of the public school lands, giving several reasons for the same. Referred to the Committee on Public Lands.

On motion of Senator Lane, the Senate adjourned until 3:30 P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

The President in the chair.

Roll called; no quorum present.

Senator Shannon moved that the Senate adjourn until 9:30 A. M., to-morrow, so that members could engage in important committee work, some of those now absent being engaged on conference committees. Adopted.

SIXTY-THIRD DAY.

SENATE CHAMBER,
AUSTIN, March 25, 1881. }

Senate met pursuant to adjournment; the President in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Shannon, the reading of the journal of yesterday was dispensed with, and the same adopted.

Senator Stubbs, for Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 25, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 194, "An act to prohibit and punish smoking and the use of fire on vessels, in warehouses, and other places where cotton is handled, loaded or stored," and find the same correctly engrossed.

STUBBS, for Committee.

Senator Burton offered the following resolution:

WHEREAS, The Constitution of the State, in article 3, section 9, requires the Senate at the close of the session to elect one of its members president pro tempore; and

Whereas, The present session is now near its close; therefore, be it *Resolved*, That the Senate proceed to the election of a president pro tempore on Monday next, the twenty-eighth instant, at 12 o'clock M.

On motion of Senator Burton, the resolution was adopted.

Senator Stubbs introduced the following joint resolution:

WHEREAS, A joint select committee of the Senate and House of Representatives of the Legislature of the State of Texas, who had been appointed to investigate and report the facts connected with the burning of a portion of the town of Brenham, and to recommend the proper action to be taken in the premises, on September 28, 1860, reported that the fire was the work of United States troops stationed at Brenham, done in a spirit of incendiarism, and also for the purpose of pillage, the property which was destroyed and lost amounting in value to \$131,036, a full list of which, with names of owners and the sworn evidence of witnesses to the facts upon which the report was based; and

Whereas, Said committee recommended that our Senators and Representatives in Congress and the Governor of this State urge upon the Congress of the United States the justice and importance of a settlement of the claims for said property so destroyed, and the removal of said troops;

Whereas, No action was ever taken by the Legislature except to request the removal said forces; therefore, be it

Section 1. *Resolved by the Legislature of the State of Texas,* That our Senators be instructed, and our Representatives in Congress be requested, to urge, by bill or otherwise as they may deem best, the early settlement of these claims by the United States.

Sec. 2. *Be it further resolved,* That the Governor of this State be requested to forward to our Senators and Representatives in Congress the official report of said joint select committee of the Legislature, together with such other papers and copies of proceedings as may be on file relating to said subject, and that he be requested to urge upon them the justice of these claims, and ask their best efforts towards the compensation of citizens of this State who suffered said losses.

Sec. 3. The possibility of an early extra session of Congress, and the lateness of the present session of the Legislature, creates an emergency and an imperative public necessity that this resolution should go into effect from and after its passage, and that the constitutional rule requiring bills to be read on three several days be suspended; and it is enacted.

Referred to Committee on Federal Relations.

Senator Terrell, Chairman of Judiciary Committee No. 1, by leave, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 25, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate joint resolution No. 45, granting leave of absence to W. E. Collard, Judge of the Ninth Judicial District for the months of July and August, A. D. 1881, report that they have examined same, and have the honor to recommend that it do pass.

TERRELL, Chairman.